

**ZB# 73-13**

**Kenneth Miller**

**(no SBL given)**

73-13

Kenneth  
Miller

F.D.

All fees paid  
OCPD notified  
Public Hearing

July 2, 1973 -

8:45 pm

fee sent to S.T.

73-13

Kenneth  
Miller

Received 8/14/73

Q A  
E  
D



**PUBLIC NOTICE OF HEARING BEFORE THE ZONING BOARD OF APPEALS**  
 PLEASE TAKE NOTICE that the Zoning Board of Appeals of the Town of New Windsor, New York, will hold a public hearing pursuant to Section 48-33-A of the Zoning Ordinance on the following proposition:  
 Appeal No. 13: Request of Kenneth J. Miller for a variance of the regulations of the Zoning Ordinance to permit the sale of new & used cars, campers, travel trailers, accessories & sporting equipment, being a Variance of Article IV, Section 48-148 for property situated as follows: at the easterly end of Route 32 in the Town, City of New Windsor, near Newburgh City line.  
 SAID HEARING will take place on the 16th day of July, 1973, at the New Windsor Town Hall, 555 Union Avenue, New Windsor, N.Y., beginning at 8:15 o'clock P.M.  
 By: **FRED WYGAN** Chairman  
**Patricia Oakley** Secretary  
 July 6

State of New York  
 County of Orange, ss:

Olga Trachewsky, being duly sworn deposes and says that he is ..... Principal Clerk ..... of Newburgh-Beacon News Co., Inc., Publisher of The Evening News, a daily newspaper published and of general circulation in the Counties of Orange and Dutchess, and that the notice of which the annexed is a true copy was published ..... One Time ..... in said newspaper, commencing on the ..... 6th ..... day of ..... July ..... A.D., 1973, and ending on the ..... 6th ..... day of ..... July ..... A.D., 1973

Subscribed and sworn to before me this  
 ..... 7th ..... day of ..... July ..... 1973 .....

*Olga Trachewsky*

*Phyllis Seckoff*

Notary Public of the State of New York, County of Orange.  
 MY COMMISSION EXPIRES MARCH 30, 1975

Adopted 12/20/65

APPLICATION FOR VARIANCE

Application No. 73-13

Date: \_\_\_\_\_

TO THE ZONING BOARD OF APPEALS OF THE TOWN OF NEW WINDSOR, NEW YORK

I (~~WE~~) Kenneth J. Miller of 39 Harth Drive  
(Street & Number)

New Windsor, New York

New York  
(State)

HEREBY MAKE

APPLICATION FOR A VARIANCE:

- A. Location of the Property (No number) Route 32 GI  
(Street & Number) (Zone)
- B. Provision of the Zoning Ordinance Applicable: (Indicate the article, section, sub-section and paragraph of the Zoning Ordinance applicable, by number. Do not quote the ordinance.) ART.III, Secs. 48-13 and ART.IV, Sec. 48-14
- C. NOTE: NECESSARY FINDINGS: Before any Variance is granted, the Zoning Board of Appeals must find all of the following conditions to be present:
1. Conditions and circumstances are unique to the applicant's land, structure or building and do not apply to the neighboring lands, structures or buildings in the same zone because: the configuration and dimensions of the property under consideration existed long prior to adoption of prevailing ordinance and at no recent time was it used for industrial purposes.
  2. Strict application of the provisions of this ordinance would deprive the applicant of a reasonable use of the land, structure or building in a manner equivalent to the use permitted to be made by other owners of their neighboring lands, structures or buildings in the same zone because: GB uses - some of a similar nature - are presently enjoyed by others in the same GI Zone.
  3. The unique conditions and circumstances are not the result of actions taken of the applicant subsequent to the adoption of the Ordinance because: such conditions and circumstances pre-existed the adoption of the ordinance.

4. Relief, if approved, will not cause substantial detriment to the public good or impair the purposes and intent of this Ordinance because: property is situated at easterly end of Rte. 32 near Newburgh City line in an area where most land use is presently GB, character as such being more or less established.
5. Relief, if approved, will not constitute a grant of special privilege inconsistent with the limitations upon other properties in the zone because: of reasons indicated in preceding paragraph above.

D. Describe in detail how the property is to be used and submit plans or sketches in duplicate.

It is intended that property be used for sale of new and used cars, campers, travel trailers, accessories and sporting equipment.

E. Application to be accompanied by two checks, one payable to the Town of New Windsor in the amount decided by the Board and the second check payable to the Secretary for taking the public hearing minutes. Applications to be returned to: Secretary of ZBA.

F. NOTICE OF HEARING: Applicant agrees to send notice of any public hearing via registered or certified mail to all abutting land owners as required by Sec. 9.4.1. of the Ordinance.

G. If the property in question is located within a radius of 500 ft. of an adjoining municipality, the Board should be notified. Also, have your attorney check Sec. 239 I&M of the Gen. Municipal Law to see if it applies. If so, notify the Orange County Planning Board by sending them an application.

Dated: May, 1973

[Signature]  
Signature of Applicant

STATE OF NEW YORK) SS.:  
COUNTY OF ORANGE)

Sworn to on this 19 day of June, 19 73.

39 Harth Drive, New Windsor  
Address

565-2434

Telephone Number

Marjorie H. Doering  
MARJORIE H. DOERING  
NOTARY PUBLIC, State of New York  
Residence on appointment-Orange County  
(Notary Public) Commission Expires March 30, 1975  
Official Number 0978275

(DO NOT WRITE IN THIS SPACE)

Application No. \_\_\_\_\_  
Date of Hearing \_\_\_\_\_  
Date of Decision 6/16/73

Date Received \_\_\_\_\_  
Notice Published \_\_\_\_\_

DECISION:

Approved



PASCOE STEEL CORPORATION  
1724 NORTHSIDE INDUSTRIAL BOULEVARD  
COLUMBUS GEORGIA 31902  
(404) 324 3562

MORRIS COURINGTON, Vice President--Sales, Eastern Division

Dear Mr. Miller:

We appreciate your recent inquiry and your interest in Pascoe buildings. The information you requested is enclosed.

Our local Pascoe Builder/Contractor has been notified of your request, so you should receive a phone call from him in a few days.

The Pascoe Builder is:

DeGraw Construction Company  
P. O. Box 27  
Bellvale, New York 10912  
(914) 986-4765

He is an experienced contractor, a knowledgeable construction expert, factory trained in Pascoe building systems, and selected for his reputation and competence.

If you plan to build, he will be pleased to offer his assistance.

We both look forward to being of service to you.

Sincerely,

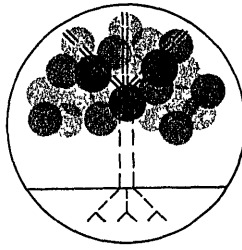
8:15 p.m. - Public Hearing  
Kenneth Miller

<u>Name:</u>	<u>Address:</u>
John M. Mally	Evening News
Patrick Macle	343 Windsor Hwy New Windsor
Julia B. Jory	76 Windsor Hwy N.W.
Anna G. Jory	76 " " " "
Mary Jane Miller	39 Harth Drive
Burton Greene	21 Carter St. Newburgh
Frederick H. Greene	34 Bridle Path, Newburgh.



# Department of Planning

Peter Garrison, AIP, Commissioner  
Edwin J. Garling, AIP, Deputy Commissioner



The County Building  
Goshen, New York 10924  
(914) 294-5151

# County of Orange

Louis V. Mills, County Executive

July 6, 1973

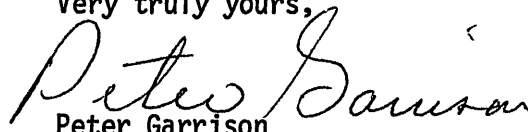
Mr. Fred Wygant, Jr., Chairman  
Town of New Windsor Zoning Board of Appeals  
c/o Mrs. Patricia Delio, Secretary  
7 Franklin Avenue  
New Windsor, New York 12550

RE: Variance - Kenneth Miller, Route 32  
Our File No. NWT 73-18-M

Dear Mr. Wygant:

We acknowledge receipt of the above application. Pursuant to the applicable provisions of Sections 239 l and m of the General Municipal Law, we have made our review. Since the property does not lend itself to an industrial use and knowing that this area will, in all likelihood, be changed to a General Business designation, we have no objection to the use of the property as described on the application and, therefore, grant approval of the variance. However, we would like to obtain a detailed site plan for review prior to actual construction. Your Board should do the same.

Very truly yours,

  
Peter Garrison  
Commissioner of Planning

Reviewed by:  
Joel Shaw  
Senior Planner

cc: J. Tallarico



OFFICE OF THE BUILDING & ZONING INSPECTOR  
TOWN OF NEW WINDSOR

---

Howard R. Collett  
555 Union Avenue  
New Windsor, New York 12550  
(914) 565-8808

April 30, 1973

Mr. Milton Fischer  
Attorney At Law  
542 Union Avenue  
New Windsor, New York 12550

Dear Mr. Fischer:

In regard to your letter of April 26, the property in question is located in a General Industry Zone.

Local sales are not permitted in a General Industry zone. The sale of used cars and related sales are permitted only in a General Business Zone.

I am enclosing a form which is required to be completed and returned to the Building Department if you wish to seek a variance from the Zoning Board of Appeals.

Very truly yours,

  
HOWARD R. COLLETT  
Building & Zoning Inspector  
Town of New Windsor

HRC/pk  
enc.



OFFICE OF THE ASSESSOR

TOWN OF NEW WINDSOR

---

Chairman  
Ellsworth E. Weyant  
555 Union Avenue  
New Windsor, New York 12550  
(914) 565-8808

March 12, 1973

Anna G. Torry  
Fred H. Greene  
76 Windsor Highway  
New Windsor, New York 12550

Dear Mrs. Torry:

According to my records, the attached list of property owners are within the five hundred (500) feet of the property in question.

The charge for this service is \$15.00. Please remit same to the Town Clerk, Town of New Windsor.

Very truly yours,

A handwritten signature in cursive script that reads 'Ellsworth E. Weyant'.

ELLSWORTH E. WEYANT  
Sole Assessor  
Town of New Windsor

EEW/pk  
att.



1763

OFFICE OF THE ASSESSOR

TOWN OF NEW WINDSOR

Chairman  
Ellsworth E. Weyant  
555 Union Avenue  
New Windsor, New York 12550  
(914) 565-8808

Gallagher, Anne C.  
14 Grand Avenue  
Newburgh, New York 12550

Monti, Frank & Joseph Jr.  
54 Windsor Highway  
New Windsor, New York 12550

K W G Realty Corp.  
P.O. Box 2628  
Newburgh, New York 12550

Epstein, Molly  
C/O New Systems Supply Co.  
399 Ann Street  
P/O Box 2217  
Newburgh, New York 12550

Triangle Pacific Medford Corp.  
9 Park Place  
Great Neck, New York 11020

Weyerhaeuser Company  
C/O H.F. Sachleben  
P.O. Box 710  
Camden, New Jersey

Erie Lackawanna Railroad  
C/O David A. Lerch  
112 Prospect Avenue S.E.  
Cleveland Ohio

Proven Leasing Corp.  
210 Mill Street  
Newburgh, New York 12550

Lockard, Regina & Mindas, Michael J.  
3 Windsor Highway  
New Windsor, New York 12550

Monti, Anthony & Veronica  
MD#42 Fern Avenue  
New Windsor, New York 12550

Lease, John J. Jr. & Frances K.  
313 Broadway  
Newburgh, New York 12550

Gasking, Harry S. & Clara  
MD#42 Fern Avenue  
New Windsor, New York 12550

Orsino, Thomas & Sarah  
MD#42 Fern Avenue  
New Windsor, New York 12550

Ray, David J. & Irene  
C/O Thomas & Helen Kennedy  
MD#42 Fern Avenue  
New Windsor, New York 12550

Scott, John A. & Alice  
32 Windsor Highway  
New Windsor, New York 12550

Kolar, Mary  
Fern Avenue MD#42  
New Windsor, New York 12550

Brandel, William & Amanda  
RD#2 Bethlehem Road  
New Windsor, New York 12550

Garzione, Patrick & Rose M/  
398 First Street  
Newburgh, New York 12550

Padilla, Angel M. & Nellie A.  
38 Windsor Highway  
New Windsor, New York 12550

Schaffer, William R.  
MD#25 Carter Avenue  
New Windsor, New York 12550

McKible, Fred & Joel  
38 Windsor Highway  
New Windsor, New York 12550

Respectfully submitted,

*Ellsworth E. Weyant*

ELLSWORTH E. WEYANT  
Sole Assessor  
Town of New Windsor



1763

OFFICE OF THE ASSESSOR

TOWN OF NEW WINDSOR

---

Chairman

Ellsworth E. Weyant

555 Union Avenue

New Windsor, New York 12550

(914) 565-8808

June 19, 1973

Mrs. Anna G. Torry  
Fred H. Greene  
76 Windsor Highway  
New Windsor, New York 12550

Dear Mrs. Torry:

This is a photostatic copy of a  
list of property owners within five hundred (500)

feet of your property with an additional two property  
owners.

This was furnished to you on March 13,  
1973.

Very truly yours,

A handwritten signature in cursive script that reads 'Ellsworth E. Weyant'.

ELLSWORTH E. WEYANT

Sole Assesor

Town of New Windsor

EEW/sh  
Enc.



1763

OFFICE OF THE ASSESSOR

TOWN OF NEW WINDSOR

Chairman

Ellsworth E. Weyant

555 Union Avenue

New Windsor, New York 12550

(914) 565-8808

MC ROBERTS PROPERTIES INC. ✓

333 240 Lake street

Newburgh, n. y. 12550

Mc DONALD & MC DONALD INC. ✓

6 WINDSOR HIGHWAY

NEWBURGH, N. Y.

*Ellsworth E. Weyant*  
SOLE ASSESSOR

TOWN OF NEW WINDSOR  
555 Union Avenue  
565-8808

DATE \_\_\_\_\_

APPLICATION is hereby made for the following:

Agenda \_\_\_\_\_ Service \_\_\_\_\_

✓ 1. Name Kenneth J. Miller

Address 39 Harth Drive, New Windsor, New York

Telephone number 565-2434

Are you the owner of the property? No

✓ 2. Briefly describe intention (or attach) and location of property:  
I am contract purchaser of parcel situate on north side of Rte. 32,  
immediately west of Gallagher Trucking Co., said parcel being pres-  
ently owned by the contract sellers, Torry and Greene, on which par-  
cel I intend to erect a facility for sale of new and used cars, cam-  
pers, travel trailers, accessories and sporting equipment.

3. PLANNING BOARD

\_\_\_\_\_ Site Plan Preliminary Meeting

\_\_\_\_\_ Subdivision Preliminary Meeting

\_\_\_\_\_ Informational Meeting

AGENDA DATE \_\_\_\_\_

4. ZONING BOARD OF APPEALS

\_\_\_\_\_ Interpretation of Ordinance or Map

X \_\_\_\_\_ Variance (Notify P/B -plans if necessary)

\_\_\_\_\_ Informational meeting

AGENDA DATE 24 May 1973

5. BUILDING PERMIT

\_\_\_\_\_ Planning Board action needed

X \_\_\_\_\_ Z.B.A. action needed

\_\_\_\_\_ Site plan needed

\_\_\_\_\_ Subdivision approval needed

\_\_\_\_\_ Water, Sewer and Highway action needed

ACTION TAKEN:

✓ I do hereby affirm that all fees, permits and charges

Agenda \_\_\_\_\_ Service \_\_\_\_\_

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Address 39 Harth Drive, New Windsor, New York  
Telephone number 565-2434  
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AGENDA DATE \_\_\_\_\_

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\_\_\_\_\_ Interpretation of Ordinance or Map  
\_\_\_\_\_ X Variance (Notify P/B -plans if necessary)  
\_\_\_\_\_ Informational meeting

AGENDA DATE 24 May 1973

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\_\_\_\_\_ Planning Board action needed  
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\_\_\_\_\_ Site plan needed  
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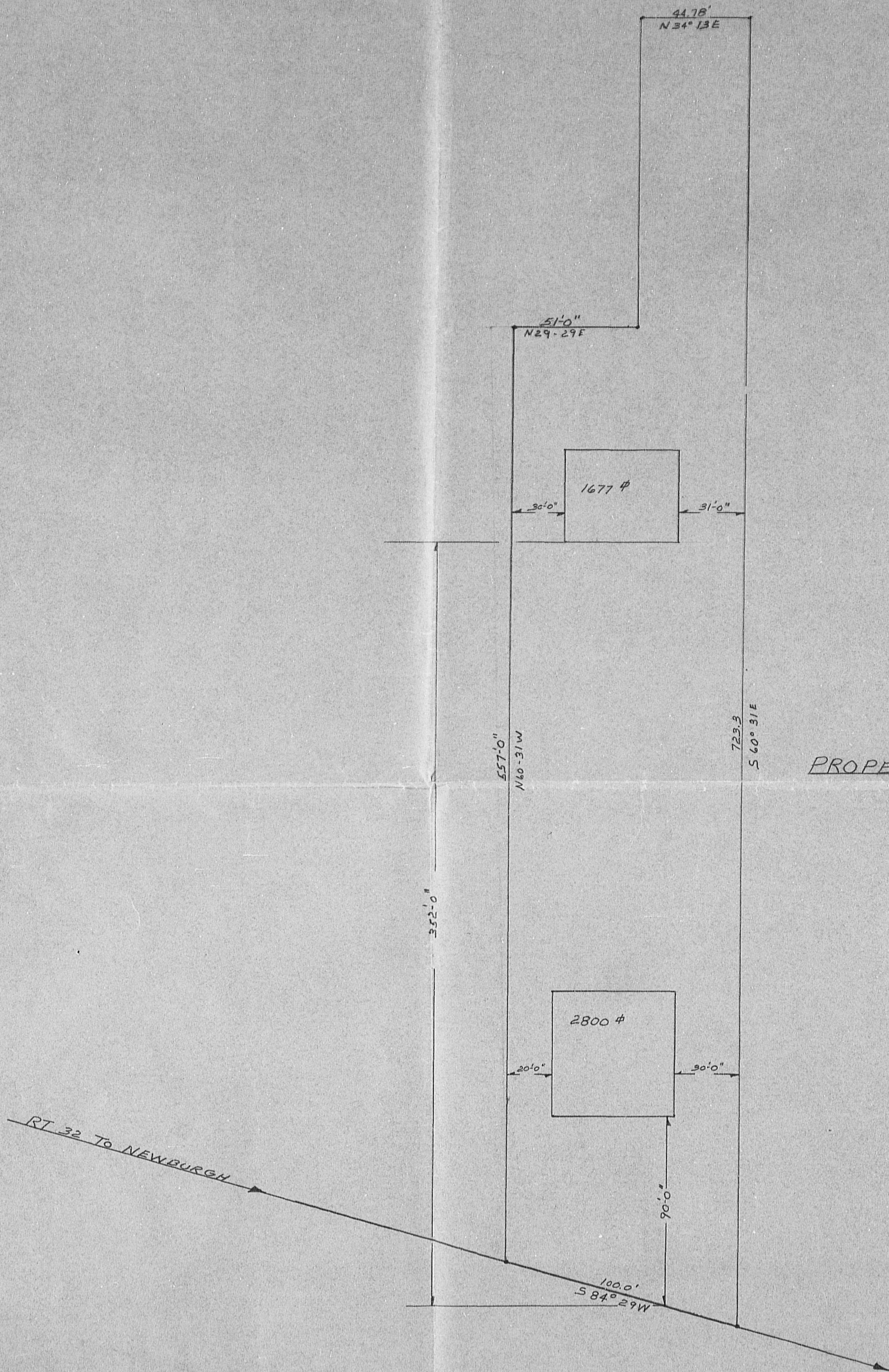
ACTION TAKEN:

✓ I do hereby affirm that all fees, permits and charges  
applicable under the laws and ordinances of the State of New  
York and the Town of New Windsor will be paid and that any  
expenses for advertising of Public Hearing or meetings will  
be paid. Also any legal or engineering fees for review of this  
project.

Signed: \_\_\_\_\_

(APPLICANT)





MAP LAND OF KENNETH J MILLER

RT. 32 - TOWN OF NEW WINDSOR - ORANGE COUNTY - NEW YORK.